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May 27, 2025

Via ECF

Mr. David J. Smith

Clerk of Court

United States Court of Appeals for the Eleventh Circuit

56 Forsyth Street, N.W.

Atlanta, GA 30303

Telephone: (404) 335-6135

Re: ***Andrew E. Roth v. Austin Russell, et al., No. 24-10448***

Dear Mr. Smith:

Pursuant to FRAP 28(j), Defendants-Appellees hereby alert the Court to the attached opinion of the U.S. Court of Appeals for the Second Circuit, *Roth v. LAL Family Corp.*, --- F.4th ----, 2025 WL 1479729 (2d Cir. May 23, 2025). In this opinion, the Second Circuit affirmed the dismissals in *Roth v. LAL Family Corp.*, 2024 WL 4149241 (S.D.N.Y. Sept. 10, 2024) (Cronan, J.) and *Roth v. Drahi*, 2024 WL 4198517 (E.D.N.Y. Sept. 16, 2024) (Irizarry, J.), which, as previously noted, involved lawsuits filed by Plaintiff-Appellant that asserted the same theory of liability under Section 16(b) of the Exchange Act as in this case. *See* ECF Nos. 25-26.

Respectfully submitted,

/s/ Alexander K. Talarides

Alexander K. Talarides